

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MARIA WASHINGTON,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:16-cv-725-TFM
)	
TARGET CORPORATION,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

This action is assigned to the undersigned magistrate judge to conduct all proceedings and order entry of judgment by consent of all the parties pursuant to 28 U.S.C. § 636(c). *See* Docs. 9, 10. It is hereby ORDERED that this case is DISMISSED without prejudice for failure to prosecute.

I. BACKGROUND

This complaint was filed by the plaintiff, Maria Washington on August 4, 2016 and removed to this Court on September 2, 2016. *See* Doc. 1. On January 25, 2017, counsel for the plaintiff filed his motion to withdraw. *See* Doc. 19. On February 6, 2017, the Court held a hearing on the motion to withdraw. The Court advised the Plaintiff of her option to obtain new counsel or proceed *pro se* if she wished to continue this lawsuit. Plaintiff indicated she wished to continue with the lawsuit and intended to find new counsel and/or proceed *pro se*. The Court informed Plaintiff she would be held to the same rules and deadlines as someone represented by counsel. The Court also orally directed Plaintiff to provide appropriate contact information to the Court and opposing counsel. Finally, Plaintiff was required to either have retained new counsel or indicate she intended to proceed *pro se*. The deadline for that notification was March 8, 2017.

That same day, the Court then followed up with a written order summarizing those orders and directives. *See* Doc. 22. The Court specifically cautioned the plaintiff that failure to comply would result in the Court treating the failure as an abandonment and failure to prosecute her claims. *Id.* No response was filed by the deadline and no further filings have been received from the Plaintiff. A return receipt card signed by the Plaintiff shows she received the order and a copy of the scheduling order. *See* Doc. 24.¹

II. DISCUSSION AND ANALYSIS

The Court entered an oral and written order directing Plaintiff to update the Court and defense counsel as to whether she obtained counsel or intended to proceed *pro se*. Plaintiff had been previously warned that her *pro se* status did not excuse her from compliance with the federal rules of civil procedure and orders of this Court. There has been no response to the Court's order and the Court adequately warned Plaintiff orally and in writing of the consequences of not responding. Therefore, the Court concludes that this case is due to be dismissed for failure to prosecute.

III. CONCLUSION

Accordingly, this case is dismissed without prejudice for the failure of the plaintiff to prosecute this action and failure to comply with court orders. A final judgment will be entered separately.

DONE this 24th day of March, 2017.

/s/ Terry F. Moorner
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE

¹ According to the United States Postal Service and the tracking number on the return receipt, Plaintiff received the order on February 10, 2017 at 1:29 p.m. *See* <https://tools.usps.com/go/TrackConfirmAction?tLabels=70122920000191090524> (last viewed on March 23, 2017)